

1 **COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C § 1983**

2 Name CAESAR DANNY L.  
 3 (Last) (First) (Initial)

4 Prisoner Number D-07644  
 5 Institutional Address 7 C-121

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**FILED**  
 APR 16 2008  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

6 **E-filing** **UNITED STATES DISTRICT COURT**  
 7 **NORTHERN DISTRICT OF CALIFORNIA**

8 DANNY CAESAR **CV** **08** **1977**  
 9 (Enter the full name of plaintiff in this action.)

10 **vs.** **Case No.** \_\_\_\_\_  
 11 Robert Horl, Warden **(To be provided by the Clerk of Court)**  
 12 JT Krawitz, Med. Appeals Coordinator  
 13 Dr. Sayre, Chief Medical Officer  
 14 Dr. Rauz, Primary Care Provider  
 15 Dr. Douglas, Psychiatrist  
 16 (Enter the full name of the defendant(s) in this action)

17 **Case No.** \_\_\_\_\_

(To be provided by the Clerk of Court)

**COMPLAINT UNDER THE SBA**  
**CIVIL RIGHTS ACT,**  
**Title 42 U.S.C § 1983**

**(PR)**

17 **[All questions on this complaint form must be answered in order for your action to proceed.]**

18 I. **Exhaustion of Administrative Remedies.**

19 **[Note:** You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

20 A. **Place of present confinement** Pelican Bay State Prison

21 B. **Is there a grievance procedure in this institution?**

22 YES  NO

23 C. **Did you present the facts in your complaint for review through the grievance procedure?**

24 YES  NO

25 D. **If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue a certain level of appeal, explain why. This petition contains at least ten exhausted appeals, or otherwise concluded; thereby exhausted.**

1           1. Informal appeal SEE Appendix A, B,  
2  
3  
4

5           2. First formal level I BID  
6  
7

8           3. Second formal level I BID  
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11           4. Third formal level I BID  
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14           E. Is the last level to which you appealed the highest level of appeal available to  
15           you?

16           YES       NO   
17

18           F. If you did not present your claim for review through the grievance procedure,  
19           explain why. N/A  
20

21           II. Parties.

22           A. Write your name and your present address. Do the same for additional plaintiffs,  
23           if any.

24           DANIEL CESAR, I-07644, C-5-121

25           Pelican Bay State Prison, P.O. Box 7500

26           Crescent City, Ca. 95532

27           B. Write the full name of each defendant, his or her official position, and his or her  
28           place of employment.

29           Dr. Douglas, Psychiatrist

1 Robert Harrel, Warden

2 SS Keavite, CCI, Medical Appeals Coordinator

3 Michael Sayre, M.D., Chief, Medical Officer

4 Dr. Rowe, Primary Care Provider

### 5 III. Statement of Claim.

6 State here as briefly as possible the facts of your case. Be sure to describe how each  
7 defendant is involved and to include dates, when possible. Do not give any legal arguments or  
8 cite any cases or statutes. If you have more than one claim, each claim should be set forth in a  
9 separate numbered paragraph.

In combination, these defendants are using their position of authority under color, to cause torture, pain, misery, and completely set-up to be killed by either staff or my fellow inmates. Their main method of accomplishing this is through my medical conditions/handicap, by deliberately mistreating the condition and promote the condition to an eventual cancer, by constant bombardment of intentional (staff acting in concert) aggressions. My life is in jeopardy (possibly) with my fellow inmates because the staff refuses to give me any shower-steel, and thereby I'm forced to regularly have a seated shower, where others use to shelf their shower items while showering. SEE Appendix A.

23 || IV. Relief.

24 Your complaint cannot go forward unless you request specific relief. State briefly exactly  
25 what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

26 Rehouse me in a more medically capable institution. An  
27 institution in a warmer climate, because my frostbite  
28 residuals in my feet. Chronic pain medication. The use

1 of a cane and/or wheelchair until such time that  
2 medicine can conquer the need of these aides. Compensation  
3 for the long term unnecessary chronic pain  
4 suffering these racist people are forcing on me. I also

5 I declare under penalty of perjury that the foregoing is true and correct.  
6 want adequate psychiatric treatments.

7 Signed this 30<sup>th</sup> day of March, 20 08

8  
9 Dan Caesar

10 (Plaintiff's signature)

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I also believe that Dr. Sayre and his enforcer, Dr. Rowe, are deliberately trying to destroy my V.A. Disability Pension. SEE 38 U.S.C. 5312 and 5313. My pension is based on medical record and bears me the responsibility of maintaining <sup>ing</sup> accountable medical records, for the purpose of tract<sup>ing</sup> a medical condition. I believe that the medical and mental health staff, here at Pelican have deliberately and systematically brought my medical records to a practical standstill, in regards of my medical pension, and claim (pending) of PTSD (post traumatic stress syndrome) Pension from the Department of Veterans Affairs. SEE Appendix 'A', Exhibit 'B'; Decision of V.A. Disability Grant.

## VI. RELIEF

I ask to be rehoused in another appropriate California State Prison. I believe the situation brought on by these medical authorities have strong racial implications, and accordingly even if their subordinates or counterparts were too connive in their stead, prejudice would pervade, thereby rendering pure hatred.

A unique relationship has developed between medical and custody staff that allows them to act in concert, and torture. SEE Appendix 'A'; Exhibits 'D', 'E', 'F', of this petition. ALSO SEE Appendix 'C'. I confront medical with the fact that I suffer from a chemical imbalance (weak stomach) in the acids that breaks down the food in my stomach, and all my life have required a special diet of thoroughly cooked foods, no spicy foods, or raw or half cooked foods. I received Nexium, which controls the acid-indigestion, however, Dr. Rowe prefers to under treat the condition with Omeprazole, which does almost nothing in terms of relief in indigestion. No Special Diet. In turn the meals, especially dinner meals, have evolved to be extraordinarily spicy: Onions, Bell Peppers ect. ect. Because most of these meals are in soup form, they are practically all Onions and Peppers. I seek medicine and warm climate for my Peripheral Neuropathy, instead I find no medicine (SEE Appendix 'B'), and proposals to make extremely long walks, without the use of walking aides. Mr. Kavitz and Sayre say I refuse a medical interview on approx. 3-20-08. On the sudden and unexpected call to go to the Specialty Clinic

I asked for Case 4:08-cv-01977-SBA Document 1 Filed 04/16/08 Page 7 of 9  
NO. So I refused, because the walk to the bus to go to the  
Specialty Clinic is approx. 200 yards, and I can only walk maybe  
40 or 50 feet at one time. Sayre knows this. Judge (U.S. District  
Judge) Sandra B. Armstrong had to order him last year to provide  
such aide for Mediation and Neurology appointments, because of  
this identical stubbornness. He (Dr. Sayre) also has a practice  
I call 'Perverted Medical Practice', that I'm very leary of. He  
force you into these walking sessions, and the WALA", look  
everybody, he can walk". SEE Appendix 'A'; Exhibit 'A': R.N.  
Scoff's lying eyes, and the power of damage it does to a  
medical claim.

## VIII. RELIEF

I'm convinced that the staff have determined I'm not getting  
any medicine or adequate medical treatment from them,  
irregardless of the law, or my need. I ask to compensated  
for unnecessary suffering of chronic - long term - PAIN, and rehoused  
at a more medically conducive facility. I am presently living  
with untreated chronic PAIN. Special Diet; appropriate medicines.

STATEMENT OF CLAIM

I reached a settlement agreement with Dr. Sayre and his colleagues in July 2007 (SEE Appendix 'F'). The only stipulation that is holding up are the insoles: I suspect because they cost \$20.00 a pair, although only seems to be worth \$1.00. I believe retaliation have set in and denying me the benefits of CDC form 1824 (SEE Appendix 'E') (Appendix 'A'; Exhibit 'B'). My personal property (pending appeals regarding missing magazines; at a cost of \$8.00 a magazine). My feeding systems are becoming more stubborn; insuring I receive less than my surroundings. I'm being made to stink (SEE Appendix 'D' and Exhibit 'F' of Appendix 'A') on the one hand, and the other dictates double-celling in order to be received back in general population (main line); which naturally would be disastrous for double-celling.

I trust the Department of Veterans Affairs as pretty <sup>much</sup> bidding by the law to the point that a person can count on that. However, I've been contacting them since July 2007 about a legally entitled clothing allowance, but have not received a response.

I've been trying to contact Dr. Bonds, NAACP Chairman, Case 4:08-cv-01077-SBA Document 1-1 Filed 04/16/2008 Page 9 of 9 at his job at American University of Washington D.C., however, received no response. The Association for Black Veterans' Organization in Washington D.C.; no response. The purpose of my contact with Dr. Bonds, and the Assn. for Black Veterans is for possible Black representation in my claims (Pending) before the Department of Veterans Affairs. I feel as though my mail is being sabotaged, and if so, how far will this sabotage escapade actually go.

No yard. No medicine. No travel. No law library access. I'm presently living to experience as much pain and misery as my defendants can muster. All things that are supposedly mandated or implicated by the law has been converted to a juggling act and thereby discriminately handed down.

## X. RELIEF.

I ask that this case be brought before a jury, because I believe the staff is intentionally trying to develop my medical conditions into cancers, and should bare criminal responsibility, as well as compensable damage awards.

FOR THE NORTHERN DISTRICT OF CALIFORNIA

1

2 DANNY L. CAESAR,

NO. CV 08-01977 SBA

3 Plaintiff,

**EXHIBITS TO COMPLAINT**

4 v.

5 ROBERT HOREL, et al.

6 Defendant,

7 /

**MANUAL FILING NOTIFICATION**

8 Regarding : Exhibits Complaint

9 This filing is in paper or physical form only, and is being maintained in the  
10 case file in the Clerk's office.

11 If you are a participant in this case, this filing  
12 will be served in hard-copy shortly. For information on retrieving this filing  
13 directly from the court, please see the court's main web site at  
<http://www.cand.uscourts.gov> under Frequently Asked Questions (FAQ).

14 This filing was not efiled for the following reason(s):

15  Voluminous Document (PDF file size larger than the efilng system allows)

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19  Item Under Seal

20  Conformance with the Judicial Conference Privacy Policy (General Order 53).

21  Other (description): \_\_\_\_\_

22 If you have any question please contact the assigned Case Systems Administrator

23 Thank you for your cooperation in this matter.

24 Date: 08/27/2007

/s/

25 Jessie Mosley

26 Case Systems Administrator

27

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